

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CRIMINAL ACTION 08-00204-KD
)	
DANIEL STUART ADDISON,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the motion for ex parte injunction and investigation (doc. 71). Defendant moves the Court for an injunction to remove the Assistant United States Attorney who has appeared in this case and for the Court to turn over an affidavit to the FBI.

Upon consideration, and for the reasons set forth herein, the ex parte motion is **DENIED**. Defendant failed to present any evidence in support of the four elements necessary for the Court to award injunctive relief. "A party moving for injunctive relief must show the following: (1) a substantial likelihood that he will prevail on the merits; (2) a substantial threat that he will suffer irreparable injury if the injunction is not granted; (3) the threatened injury to him outweighs the threatened harm an injunction may cause the opponent; and (4) granting the preliminary injunction will not disserve the public interest." McKinnie v. Boseman, 2009 WL 3753989, 3 (S.D.Ga. November 9, 2009) (citing McDonald's Corp. v. Robertson, 147 F.3d 1301, 1306 (11th Cir. 1998) (citing All Care Nursing Serv., Inc. v. Bethesda Mem'l Hosp., Inc., 887 F.2d 1535, 1537 (11th Cir.1989))). "A preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the 'burden of persuasion' as to the four requisites." McKinnie at *3 (citing All Care Nursing Serv., Inc., 887 F.2d at 1537.) Additionally, by separate order, the Court has requested an investigation as to the information provided in the affidavit. (See doc. 64, Order entered September 25, 2009).

DONE and ORDERED this 1st day of December, 2009.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE